

Statewide Water Advisory Group Public Meeting Summaries

In an attempt to capture public input regarding the straw proposal developed by the Statewide Water Advisory Group, a series of public meetings were held around the State. The following presents the questions, comments and concerns expressed at the public meetings.

Safford – October 12, 2006

Twenty people were in attendance for the SWAG public meeting held in Safford. Attendees included representatives from Safford, Thatcher, Pima, Graham County, Greenlee County, U.S. Bureau of Land Management, Gila Watershed Partnership, agricultural community, the local newspaper, and the public.

Questions, comments and concerns expressed after the presentation were as follows:

1. A considerable amount of surprise was expressed by a number of attendees that counties currently do not have the authority to approve or disapprove housing developments based on an adequate water supply. Most attendees expressed their support for the concept that counties should have the authority to approve developments based on an adequate water supply.
2. Isn't it currently required by real estate statute to disclose an inadequate water supply as part of all real estate transactions? All people present indicated that full disclosure regarding the availability of water should be required of all real estate transactions.
3. Are there any efforts currently underway to change the current laws to make groundwater appropriable?
4. I want to make sure that individual rights are protected.
5. How is ADWR addressing the Tamarisk issue? Eventually we are going to have to deal with the question of whether or not water use by trees is more important than water use by humans.
6. Can supporting comments be submitted to the agency regarding granting authority to counties to make decisions based on an adequate water supply?

Eagar – October 16, 2006

Five people were in attendance for the SWAG public meeting in Eagar. Attendees included representatives from Eagar, Springerville, Pinetop/Lakeside, and the Apache Sitgreaves National Forest.

Questions, comments and concerns expressed after the presentation were as follows:

1. Where is all of the irrigation occurring in the State?
2. What kind of programs in rural Arizona would qualify to take advantage of a State Water Development fund?
3. I have a concern that the metropolitan Phoenix area could pass legislation that would allow them to transport water from the White Mountain area into Phoenix.
4. All people present indicated that they endorsed the concept of granting authority to cities, towns, and counties to approve developments based on an adequate water supply.

Snowflake/Taylor – October 16, 2006

One person from The Nature Conservancy attended the meeting held in Snowflake. No questions pertaining to the straw proposal were asked. After the presentation we had a brief discussion about water in general rather than on the presentation. The one point the attendee emphasized was the need to make sure that the demands of the riparian systems are taken into consideration in any proposal that goes forward.

Benson – October 23, 2006

Thirty people were in attendance for the SWAG public meeting held in Benson. Attendees included representatives from Benson, Cochise County, St. David Irrigation District, Community Watershed Alliance, and the public.

Questions, comments and concerns expressed after the presentation were as follows:

1. Where is the northern boundary of the Upper San Pedro Partnership located?
2. What aspect of the straw proposal do you feel will be most opposed? Would a Pilot District in the Sierra Vista subwatershed have any impact on Benson?
3. Is the rumor regarding the pumping of water in Benson to Sierra Vista true?
4. I have heard that Colorado is now requiring all wells to be registered and if they aren't registered they will be shut off. Is this something that is going to happen in Arizona?
5. It seems to me that the person with the most money is the person that can pump the most water.
6. Is artesian water considered to be groundwater and what protection do we have if a neighboring well causes our well to no longer be under artesian conditions?
7. Will the SWAG effort and straw proposal resolve the water adequacy issue?
8. What is the current status of the well spacing requirement effort?
9. I have heard Arizona's population is going to double by 2020 and would like to know where the water is going to come from to meet the demands of that population?
10. Is Sierra Vista incorporating into their water management plan the direct utilization of treated effluent; in other words toilet to tap?
11. Is the pilot district going to be introduced at the legislature this year and if so, will the powers and duties be spelled out in the legislation or will the legislation just create the method for establishing a district without identifying the powers and duties?
12. I would like to know what sources of water Sierra Vista is looking to import.
13. Why can't we just stop growth?
14. Why can a developer drill as many wells as they want while agriculture is not allowed too?
15. How does ADWR feel about becoming a tool for developers, and when is the State going to take over all of the water in the State like New Mexico?
16. How can a pilot overlay district be created when you have multi-jurisdictions to contend with?

17. How will the straw proposal interact with municipal and private water providers to limit growth based on the availability of new water?
18. Can a city or private water provider expand beyond the boundaries of their CCN or service area?
19. What is the likelihood of CAP water coming to Sierra Vista. I have a friend who is on the Board of CAP and they have told me there is no way that is going to happen. My friend also told me that transporting any water from CAP to Sierra Vista would add at least \$200 per month to each water bill.

Sierra Vista – October 23, 2006

Ninety-seven people were in attendance for the SWAG public meeting held in Sierra Vista. Attendees included representatives from Sierra Vista, Huachuca City, Bisbee, Cochise County, State Legislature (Burns and Alvarez), candidates for the State Legislature (Black and Griffin), the agricultural community, the Upper San Pedro Partnership, the local newspapers, and the public.

Questions, comments and concerns expressed after the presentation were as follows:

1. According to the Cochise Planning and Zoning Department, the Federal Government is now mandating the Sierra Vista subwatershed to meet sustainability by 2011 and as a result there isn't going to be any more growth allowed after the Castle and Cook development. I have also been told that if they don't meet sustainability the Federal Government is going to come in and take over all of the water. How does ADWR feel about that?
2. Does anyone know how much recharge is occurring in the basin and if so are we in safe-yield?
3. Is California still using a portion of Arizona's Colorado River allocation?
4. Do you know all of the sources of water that are intended for use by the proposed Smith Ranch development? This is important to know because what happens at Smith Ranch could ultimately impact the Fort causing it to not be reauthorized.
5. I was unaware that someone had spoken for me by volunteering the Sierra Vista subwatershed to be a pilot district. In my opinion the proposal places a lot of power in the hands of a few and as such I oppose this legislation.
6. Do you know where the money is going to come from for the infrastructure to develop water projects?
7. Will private water companies lose their authority or be taken over by the pilot district if it is formed?
8. Is the upcoming Indian Settlement going to have an effect on this proposal?
9. Is there an example in another state that is similar to this proposal that we could evaluate?
10. I was hopeful that this proposal would somehow protect the San Pedro River, but I didn't think counties had the authority to deny development. Do counties have the authority to deny developments based on the availability of water?
11. The real questions that need to be asked are what do we want and what do we need. The last thing we need is anarchy.
12. How quickly can this proposal happen?

13. Do you know how the County's proposed overlay district will play into the pilot district?
14. If Proposition 207 passes, will it result in the possibility of enhancing the liability of a pilot district to be sued if their actions were to demonstrate a devaluation of a property?
15. I didn't see anything about the construction of reservoirs or catchment basins in this proposal. The Upper San Pedro Partnership is currently looking at an alternative that incorporates the use of reservoirs and catchments and nothing else in the way of importations should be done until they explore this alternative to its fullest.
16. If legislation were required to approve the formation of a pilot district, who would have input into what powers and duties the district would have? Will it be Phoenix?
17. This appears to me to be a proposal to curb or stop growth and we need to remember that we need adequate growth and affordable housing.
18. I disagree with the last person. I actually see this as a means to allow for more growth, but the current residences would be strapped with paying for that growth.
19. Are we going to get to vote on the proposal before it goes to the legislature or is Phoenix going to decide what is best for Sierra Vista?
20. It appears to me that WIFA is going to be running this program and if so they need to make sure that this money would be kept separate from WIFA's current funding sources.
21. What is going to happen to the private wells? Are people who currently have a well going to lose their well and will this stop the drilling of future private wells?
22. A number of people echoed the sentiment that the Fort needs to be saved.

Flagstaff – October 25, 2006

Fourteen people were in attendance for the SWAG public meeting held in Flagstaff. Attendees included representatives from Flagstaff, Coconino County, Hopi Tribe, the Governor's Office (Turner), State Legislature (O'Halleran), U.S. Fish and Wildlife, U.S. Bureau of Reclamation, Coconino Plateau Water Advisory Council, and the Arizona Water Group.

Questions, comments and concerns expressed after the presentation were as follows:

1. What is an INA?
2. Are Tribes involved in the SWAG and is SWAG assisting them with developing management plans for the tribes?

Northern Arizona Building Association (NABA) – October 25, 2006

About 50 members of NABA representing homebuilders, mortgage companies, and building suppliers were present at the meeting.

Questions, comments and concerns expressed after the presentation were as follows:

1. In your presentation did you state that the future of Flagstaff is contingent on a pipeline from Lake Powell?

2. Aren't we already using our 2.8 million acre-feet of Colorado River allocation?
3. Is the Red Gap Ranch one of those areas where Flagstaff could pump more than is being recharged? Are you stating that Flagstaff can't pump from Red Gap Ranch due to reserved groundwater rights?
4. Establishing an adequate water supply under the current definition of 1,200 feet depth to water is difficult in the Mountain areas. Has there been any discussion in SWAG to address the differences between areas?
5. If local governments were allowed the authority to make decisions regarding adequate water supplies, what would ADWR do?
6. We have a lot of areas in rural Arizona where exempt wells are the only option for obtaining water. What do you feel is the solution to the exempt wells issue?
7. Are you going to compile a database of the information on exempt wells?

Kingman – October 25, 2006

Forty-seven people were in attendance for the SWAG public meeting held in Kingman. Attendees included representatives from Kingman, Lake Havasu, Bullhead City, Mohave County, State Legislature (Groe), candidates for the State Legislature, realtors, Northwest Watershed Council, the local newspapers, and the public.

Questions, comments and concerns expressed after the presentation were as follows:

1. I have heard there is a Las Vegas contractor that is going to pump federally allocated water from Arizona to Nevada. How can a contractor take water that has already been allocated to a district by the Federal government?
2. I understand the ACC is going to be holding a meeting regarding the issue described in question #1. Will that be in conjunction with ADWR or will they be separate meetings?
3. I represent the Beaver Dam Water Company and the issues confronting them are exactly why there is a need for legislation to protect the waters of Arizona. Any effort to draft legislation needs to look closely at how to deal with the issue currently confronting Beaver Dam.
4. Are Domestic Water Improvement Districts (DWID) regulated by the ACC? Are they regulated by ADWR?
5. I have a number of constituents that are looking to purchase a home. Where can they go to find out whether or not the homes they are looking to purchase have an adequate water supply?
6. If Mohave County has to import water, from what source will they get the water?
7. What are the requirements to drill a well? Do they all have to be registered?
8. Can a private homeowner have a well drilled within a DWID service area? Are there any restrictions or special requirements?
9. The SWAG committee has established a lot of proposals to take to the legislature. What happens if the legislature drops the ball and doesn't pass any of them?
10. Can a developer sink a deep well within a DWID service area and suck all of the water out beneath the DWID? Is SWAG looking at anything to address this issue?

11. I have the solution....if we curtail the number of lots that can be put on one acre from the current 8 lots to only 4, that would ensure a rural setting is maintained and also slow down the developers rights.
12. Why is the current definition of adequacy set at a depth of 1,200 feet?
13. Did SWAG look at the groundwater supplies in Golden Valley in relationship to the Rhodes' development?
14. SWAG is recommending counties have the authority, but ADWR will still be making the determination. Is that correct?

Prescott – October 26, 2006

Fifty-six people were in attendance for the SWAG public meeting held in Prescott. Attendees included representatives from Prescott, Prescott Valley, Chino Valley, Yavapai County, Phoenix, the Governor's Office (Turner), State Legislature (O'Halleran), water and special interest groups (WAC, VRBP, VWA, etc.), the local newspapers, and the public.

Questions, comments and concerns expressed after the presentation were as follows:

1. The permissive acceptance of authority by counties has been added to the original straw proposal. Is there a reason for the change?
2. You stated the Governor initiated this process. What is her current take on everything in the proposal?
3. It sounds like you are proposing to establish only one pilot district. Does that mean we will have to compete with the San Pedro people to be that district?
4. When you talked about issues in the Verde, were you talking only about the Verde Valley or did you mean the entire Verde Basin?
5. John Munderloh presented the idea of looking into the Big Chino being designated as a pilot district at the last Upper Verde Watershed Protection Coalition meeting. The consensus of that group was that they would like to pursue it. Studies show that 86% of the baseflow in the upper Verde comes from this area. Because of this fact the entire watershed should be included in any discussions about a pilot district.
6. Do you think a pilot district could establish tougher adequacy standards than the State currently has?
7. I see there being two issues. One is that agriculture is currently using 74% of the water, which is a lot. The second issue is the location of the water. What do you foresee as things that we can accomplish? Should we stop growth in some areas for the purpose of allowing only a few areas to grow and then bring the water to those areas? What about the agriculture portion of water use? Are we going to move it?
8. What are the two or three best questions that have been asked at the public meetings that have already occurred?
9. It needs to be emphasized that if you like what is being proposed, then you need to realize that it is going to take the public getting behind this to make it happen.
10. Has any consideration been given to holding a vote to see what areas would want a pilot district?
11. How effective have our conservation efforts been on a statewide basis? How effective has Phoenix been?

12. One way growth is slowed is when a place becomes less attractive. With an excessive amount of conservation implemented that could possibly happen. Do you see that occurring in this State?
13. What if any checks and balances will you have to ensure that importations will not result in unwanted consequences? Will they require an EIR to be completed prior to implementation?
14. Allowing importations to occur causes concern that big cities will take it all. Who has rights to the water and are there discussions occurring to deal with importations.
15. What kind of measures do we already have or need to take to ensure that greed will not take over and allow someone to steal our water?
16. Do you foresee a separate court system being established to deal with water issues? People have basically two needs, water and food. Can we get a fast track on water rights?
17. I have a dry well and have had one for five years. Do I have to go to court to get my water back?
18. I am concerned about exempt wells, especially in the Prescott AMA. Do we have any speculation about how much water is being pumped by exempt wells in the AMA?
19. What prevents an exempt well from pumping 35 gpm, 24 hours a day, 7 days a week?
20. In the future aren't we going to have implement controls on groundwater usage in order to manage our resources?
21. If we decided we wanted to be a pilot district, what is the process? Do we contact our legislators, or cities, or what do we do?
22. In the process of Prescott trying to meet safe-yield, how are we going to be in safe-yield if we have exempt wells pumping uncontrollably? You said the only way to use effluent is to use it directly and yet we just recharge it. How is that right and how is that going to get us to safe-yield?
23. Water adequacy is only for 100 years. Shouldn't the State be based on safe-yield? I am surprised the SWAG didn't come up with this conclusion.
24. You do agree we need to make changes and you said it should be a top down approach. I say it should be a bottom up approach from the grass roots groups in order for it to happen.
25. What did you mean when you stated that adjustments were going to have to be made in the Prescott AMA in order for the AMA to reach safe-yield?
26. In the natural eco-system, regulation is controlled by the natural carrying capacity of an area. Has there been a statewide evaluation of the carrying capacity and have you determined the where or how we can reach the natural state?
27. I just finished Jared Diamond's book "Collapse" and what you have presented is exactly what caused the demise of past civilizations in his book. You talked about using the ocean as the next water resource, but I question the cost of Arizona using ocean water. Arizona isn't able to bear the cost and I question you in your position to put that prospect out there.
28. In your work with SWAG, has there been a model constructed that predicts when a water emergency is going to take place somewhere in the State?
29. Safe-yield does not take into consideration the water demands of riparian areas. Can you explain why the consideration of preserving and maintaining riparian areas and streams are not a priority?

30. Does anyone really know the value of a lost stream or riparian area?
31. We should think beyond human needs and consider the value of flowing rivers. Sound responsible practice should take that into consideration.
32. When you manage forests properly it results in the availability of additional water that helps maintain streams. Safe-yield should take this into consideration and the health of the watershed should be managed. Have you dealt with the Forest Service to make that known? Can the State pressure the Forest Service into managing the forests better?
33. What is the current update on the reallocation of Colorado River water? Is there any chance of that water coming into our area?

Cottonwood – October 26, 2006

Seventy-three people were in attendance for the SWAG public meeting held in Cottonwood. Attendees included representatives from Camp Verde, Clarkdale, Cottonwood, Jerome, Sedona, the Governor's Office (Turner), State Legislature (O'Halleran), SRP, water and special interest groups (WAC, VRBP, VWA, etc.), and the public.

Questions, comments and concerns expressed after the presentation were as follows:

1. Your straw proposal addresses adequacy, but you said water adequacy doesn't work. Do you mean assured? There seems to be a conflict.
2. How is the water adequacy in the straw proposal going to be any different than what we have now?
3. You mentioned a city; town or county could elect not to utilize the authority to disapprove a subdivision based on an inadequate water supply. Why would you make it permissive?
4. Where do you envision imported water coming from for those critical areas you described in your presentation?
5. I thought the Colorado River was over allocated?
6. Can you explain why your department is holding up a development in Camp Verde? Is it because the wells are supposed to go down 4 feet per year and they are actually going down eight feet per year? Which wells are ADWR using to determine that the aquifer is going down eight feet per year?
7. Is anyone looking at restricting groundwater mining in the State? Has there been any attempt at drafting legislation to restrict groundwater mining?
8. Has there been a change in ACC rules that allows private water companies to pass through a water sales tax without a rate case hearing?
9. Where was ADWR's navy when SRP stole all of our water?
10. Is there a study that shows where all the water in the Verde Watershed is going?
11. I applaud SWAG, but it looks to me like more of the same and I question whether it will make a difference. I would like to see some honest conversations about whether or not we are doing enough in conservation, how do we protect existing water rights of individuals, and how we are going to import water. We need to look at how to capture storm water runoff and I reject the idea of taking water away from agriculture and giving it to municipalities. Every homeowner is vulnerable.

12. The critical areas of the State all need importation, but didn't CAP cost \$9 billion? If we conserve water, it goes to Phoenix and Tucson. More conservation and management needs to occur in Phoenix and Tucson before you put the screws on us. Are we supposed to just go away while Phoenix continues to grow?
13. When they initiate a development, do they look at groundwater first? Aren't developments to the north taking water from the same aquifer as we do?
14. Arizona State population projections in 2030-2035 estimate the population to be 16-20 million. Where is the water going to come from to supply that population and why should we conserve when SRP comes up and takes our water without conserving at all? That isn't fair.
15. I keep hearing 100-year adequate water supply. Does that mean we are going to pump Lake Powell dry or is that based on groundwater only?
16. Is growth factored into adequate water supply determinations, because I don't see any community having a 100-year supply, especially Phoenix?
17. Thank SWAG for an excellent job!
18. You mentioned deficits of 4,000 – 7,000 acre-feet for some areas in your presentation. I think Prescott AMA is at 14,000 acre-feet. One town in the AMA is now talking about auctioning off effluent credits. How does ADWR feel about that?
19. Prior to the declaration of groundwater mining in the Prescott AMA there was a rush to get all plans approved through P&Z. With a statute that now allows up to 14,000 acre-feet to be transported from the Big Chino, along with retired historically irrigated agriculture, the flows in the Verde are going to be affected. I think ADWR should ensure that they reach safe-yield. Shouldn't the Prescott AMA cities and towns be forced to use their effluent for recharge rather than sell it for future growth?
20. You mentioned that at the SWAG public meeting in Prescott, some attendees expressed a desire to be part of a pilot district, even though they are in an AMA. Is that possible? Both sides of the mountain are married because of the Verde and we are all in the same watershed. The water they intend to import is going to diminish the Upper Verde flows. Consideration of a pilot district's boundaries for this area should be based on the entire watershed and not just the upper portion.
21. It has been stated that 90% of the State's riparian areas are gone. Did SWAG discuss how to protect riparian areas? Did SWAG discuss the creation of tools to assist municipalities outside of the AMA with protecting their water resources?
22. Did SWAG talk about water management in relation to private verses municipal and how the ACC would play into a district?
23. There has been considerable mention of lot splits and exempt wells. We now have Prop 207 that could make a city the subject of a lawsuit if they deny a developer's ability to develop their land. Could this proposition also have an impact on a pilot district?
24. Do you think any legislation from SWAG is going to be introduced in the near future? Are you talking about one session or two, or how many before anything happens?
25. With the creation of pilot districts you are starting to break up watersheds. We have done a lot in this area to act as an entire watershed. Any pilot district in the watershed should include the Verde Valley. ADWR should be a leader in some of these issues and support the VRBP. We really need a watershed dialog and when

- upstream activities impact the downstream area there needs to be tools to deal with it. We need ADWR in the same room and we need them to support us when Prescott decides to do its own thing.
26. How can a community plan without knowing how much is actually being pumped by exempt wells?
 27. You might want to look at establishing a rewards system to facilitate and encourage metering and conservation. You mentioned that about 70% of total water use is for outdoor purposes. I have heard about grass that only needs watering once or twice per year. We need to start encouraging people to use it if they want grass.
 28. How many of the 52 members of SWAG are from the Verde Valley?
 29. What stops a well owner from setting up a water bottling operation and pumping the aquifer dry?
 30. The federal government has established programs to set aside farm lands. Is there an accelerated effort to convert agriculture water to municipal in the Verde Valley to keep our water in the valley? I don't think Arizona was ever envisioned as an agricultural state. Do you see anything coming down the pike along this way of thinking that is going to be mandatory?
 31. Representative O'Halleran has attempted to get passed a lot of what is in the Straw Proposal without any success. What is going to be needed to see that this proposal is successful? Are you seeing a new spirit of support in SWAG from some of the people that have historically opposed this type of legislation?
 32. Global warming is forecasting a bumpy road and in fact has forecasted a 100-year drought. Are we prepared for a 100-year drought?
 33. Has there been any discussion about reserving water that is conserved by a community for the community rather than letting new developments take advantage of a community's efforts?

Payson – October 27, 2006

Sixteen people were in attendance for the SWAG public meeting held in Payson. Attendees included representatives from Payson, Pine, Star Valley, Gila County, SRP, Brookes Utilities, the Governor's Office (Brown), the State Legislature (Brown), the local newspaper, and the public.

Questions, comments and concerns expressed after the presentation were as follows:

1. With 85% of the lands in Arizona either owned by the Federal or State government, can the State encourage or pressure the Forest Service to allow for water exploration on forestlands?
2. The uniqueness of each area in the State needs to be considered when discussing hydrologic boundaries for a pilot district. The groundwater basin system in Pine and Strawberry is very unique and very different than Payson's. The situation in Pine is promising if no further expansions are allowed by the Forest Service. We have adequate water if we maintain our current cultural practices. If we don't expand beyond our current limiting boundaries and live within our means we will be okay. If water doesn't exceed \$10.00 per 1000 gallons, we can live with it. What we want is

- for Pine and Strawberry to be designated as its own separate hydrologic boundary. We don't even need Blue Ridge water; it is beyond our budget.
3. Payson is actively pursuing the acquisition of water from Blue Ridge Reservoir. Is there any chance that the water fund could be available to help with the \$20 to \$25 million that is needed?
 4. What is the process for becoming one of these special pilot districts?
 5. Define groundwater mining and will the moratorium statute have to be changed? It sounds like this proposal could stop growth. So what other statutes have to be changed to accommodate this proposal?
 6. For every area there is a water budget and that water budget is just like a bank account. You put money in and you take money out. If you don't stay within your budget you will run out and that is what is going to happen to some of these areas with regards to water.
 7. What are the current policies or statutes that control groundwater mining to depletion?
 8. We in the legislature appreciate hearing from you, but we have Maricopa County that controls more than half of the votes in the legislature and they aren't even aware of many of the rural communities and there problems. It is important that you actively talk to your legislators to let them know about what you are doing and what is needed.
 9. Is one of your proposals to give cities and towns the authority to limit growth based on water?
 10. We would like to thank ADWR and its support of the Mogollon Rim Water Resources study, which could be a vehicle to carry forward.
 11. Are we an AMA or an INA in Payson and what is the advantage to being one or the other?
 12. How important is the Blue Ridge water to this area?